

IFW

PATENT
Attorney Reference Number 23-65308-01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard E. Weller et al.

Application No. 10/784,147

Filed: February 19, 2004

Confirmation No. 5344

For: THERAPEUTIC AGENT CARRIER
COMPOSITIONS

Examiner: Not yet assigned

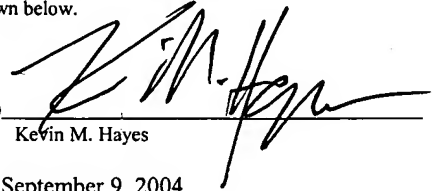
Art Unit: 1616

Attorney Reference No. 23-65308-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: OFFICE OF INITIAL PATENT EXAMINATION CUSTOMER SERVICE CENTER, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)


Kevin M. Hayes

Date Mailed September 9, 2004

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COMMISSIONER FOR PATENTS
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TRANSMITTAL LETTER

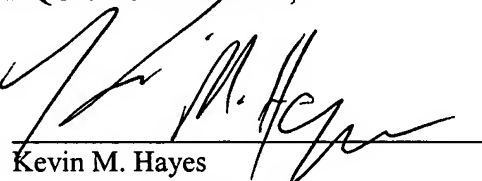
Enclosed for filing in the application referenced above are the following:

- ☒ Second Request for Corrected Official Filing Receipt (w/Exhibits A and B and copy of Petition to Accord Correct Filing Date)
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Kevin M. Hayes
Registration No. 54,158

One World Trade Center, Suite 1600
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Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Client
Docketing



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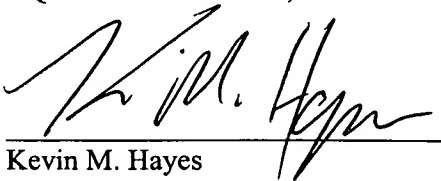
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Respectfully submitted,

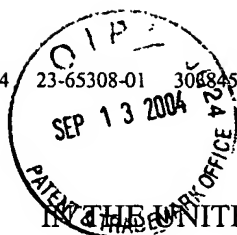
KLARQUIST SPARKMAN, LLP

By


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Art Unit: 1616

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Attorney
for Applicant(s)

Kevin M. Hayes
Kevin M. Hayes

Date Mailed September 9, 2004

SECOND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

OFFICE OF INITIAL PATENT EXAMINATION
CUSTOMER SERVICE CENTER
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Applicants received an Updated official Filing Receipt for the application referenced above, a copy of which (with requested correction shown in red ink) is attached as Exhibit A.

The following error appears on the Updated Filing Receipt:

ITEM IN ERROR (indicated in bold)	CORRECT INFORMATION (indicated in bold)
This application is a CIP of 09/994,509 11/26/2001 ABN which is a CIP of 09/853,507 05/10/2001* which is a CON of 09/058,712 04/10/1998 PAT 6,296,831 This application 10/784,147 is a CIP of 10/124,614 4/16/2002 which is a CIP of 09/833,46004/11/2001 which claims benefit of 60/236,926 09/28/2000	This application is a CIP of 09/994,509 11/26/2001 ABN which is a CIP of 09/853,507 05/09/2001* which is a CON of 09/058,712 04/10/1998 PAT 6,296,831 This application 10/784,147 is a CIP of 10/124,614 4/16/2002 which is a CIP of 09/833,46004/11/2001 which claims benefit of 60/236,926 09/28/2000

The PTO indicated in its Response to Request for Corrected Filing Receipt dated August 10, 2004, that the filing date of the 09/853,507 application could not be updated because the listed filing

date is the filing date of record in the 09/853,507 application. However, Applicants previously petitioned the PTO to correct the filing date in the 09/853,507 application by petition filed June 5, 2001. As shown in attached Exhibit B, the PTO indicated in an Office action in the 09/853,507 application dated August 8, 2002, that "It is duly noted that Applicant has requested that the filing date be corrected. PTO records indicated that the filing date for 09/853,507 is 5/9/01." (Emphasis added.)

Accordingly, Applicants request that the identified error(s) be corrected and that a new official Filing Receipt be issued.

Applicants have concurrently filed another Petition to Accord Correct Filing Date to reconfirm the correct filing date in application No. 09/853,507 (copy attached).

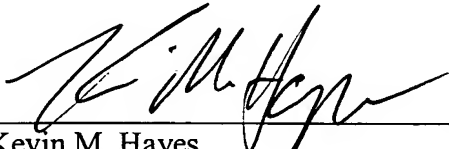
Please return the enclosed postcard to confirm that the items listed above have been received.

Please call the undersigned if any further information is required.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



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Registration No. 54,158

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Portland, Oregon 97204
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Battelle / KMT/Kme

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/784,147	02/19/2004	1616	671	23-65308	21	35	5

CONFIRMATION NO. 5344

UPDATED FILING RECEIPT



OC000000013496963

32215
 KLARQUIST SPARKMAN, LLP
 121 SW SALMON STREET, SUITE 1600
 ONE WORLD TRADE CENTER
 PORTLAND, OR 97204

PREVIOUSLY DOCKETED

Date Mailed: 08/10/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Richard E. Weller, Selah, WA; ✓
 Darrell R. Fisher, Richland, WA; ✓
 Michael A. Lind, Kent, WA; ✓
 Allison A. Campbell, Kennewick, WA; ✓
 Anna Gutowska, Richland, WA; ✓
 Craig F. Habeger, Chillicothe, IL; ✓

Assignment For Published Patent Application

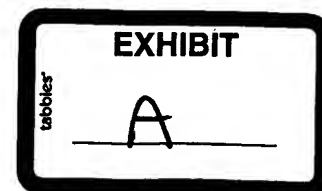
Battelle Memorial Institute; ✓

Domestic Priority data as claimed by applicant

This application is a CIP of 09/994,509 11/26/2001 ABN
 which is a CIP of 09/853,507 ~~05/10/2001~~ *05/09/2001*
 which is a CON of 09/058,712 04/10/1998 PAT 6,296,831
 This application 10/784,147 ✓
 is a CIP of 10/124,614 04/16/2002 ✓
 which is a CIP of 09/833,460 04/11/2001 ✓
 which claims benefit of 60/236,926 09/28/2000 ✓
 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 05/14/2004



Projected Publication Date: 11/18/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Therapeutic agent carrier compositions ✓

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,507	05/10/2001	Richard E. Weller	E-1507 CON	7165

7590

08/08/2002

Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Division
P.O. Box 999
Richland, WA 99352

DD: 11/8/02
Docket ☒ N *sm*
Database ☒ N *sm*
Debit Y ☒ *sm*
Number *N/A*

23-65306

EXAMINER

JONES, DAMERON LEVEST

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 08/08/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED FOR: *11/8/02**2/8/03*

COMPUTER ☒
CARD ☐
BOOK ☒
DRAWER ☒
EXPR ☐
ANN. SYE ☐

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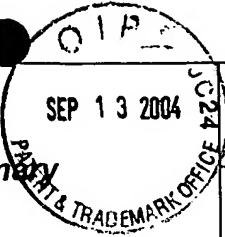
AUG 13 2002

I.P. SERVICES



Office Action Summary

SEP 13 2004



Application No.

09/853,507

Applicant(s)

WELLER ET AL.

Examiner

D. L. Jones

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002 and 31 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-16,18-21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 17,22 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

APPLICANT'S INVENTION

1. Applicant's invention is directed to stimulus sensitive gels comprising radioisotopes.

RESPONSE TO APPLICANT'S ELECTION

2. Applicant's election with traverse of Group VIII (claims 1, 2, and 5-27) in Paper No. 6, filed 5/31/02, is acknowledged. However, Applicant did not set forth reasons why the restriction is improper. Thus, the restriction is still deemed proper and is therefore made FINAL.

Note: It should be noted that claims 1, 2, and 5-27 will only be examined to the extent that they read on a radioisotope carrier comprising a gelling copolymer comprising methacrylamide.

WITHDRAWN CLAIMS

3. Claims 3 and 4 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention/species.

DOUBLE PATENTING REJECTION

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 2, 5-16, 18-21, 23, and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-13, 15-25, 30, and 31 of U.S. Patent No. 6,296,831. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention encompass those of the patented invention. In particular, it is noted that the radioisotope carrier in the instant invention is not limited to a reversible gelling copolymer as the patented invention.

112 REJECTIONS

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1616

7. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20, lines 4, 7, 9, and 11: The claim as written is ambiguous because of the term 'derivatives'. In particular, it is unclear what compounds are encompassed in Applicant's definition since a skilled practitioner in the art would not know which portion of the parent compound remains in the derivatives. Thus, it is respectfully suggested that Applicant delete the term.

CLAIM OBJECTIONS

8. Claims 17, 22, and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

COMMENTS/NOTES

9. It is duly noted that Applicant has requested that the filing date be corrected. PTO records indicated that the filing date for 09/853,507 is 5/9/01. If the filing date is incorrect, Applicant is respectfully requested to submit the appropriate document in order that the correct date may be of record.

10. Applicant is respectfully requested to submit the year of reference 'DD' appearing on the information disclosure statement submitted 2/7/02, Paper No. 5.

Art Unit: 1616


11. Claims 1, 2, and 5-27 are allowable over the prior art of record; however, Applicant MUST address and overcome the double patenting and 112 rejections. In particular, the claims are allowable over the prior art of record because the prior art neither anticipates nor renders obvious a radioisotope carrier as set forth in independent claim 1.

The closest art of record is Applicant's own work, US Patent No. 6,296,831, which is cited in the double patenting rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (703) 308-4640. The examiner can normally be reached on Mon.-Fri. (alternate Mon.), 6:45 a.m. - 4:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose' Dees can be reached on (703) 308- 4628. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and (703) 308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.


D. L. Jones
Primary Examiner
Art Unit 1616

July 25, 2002

Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEDOCKET NO.:
E-1507 CONSERIAL NO.:
09/853707

LIST OF ART CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT: RE Weller et al.

FILING DATE:
05/09/2001GROUP
1619

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
21	A	3,866,050	02/11/1975	Whitfield	250	497	
	B	4,190,461	02/26/1980	Hedger	134	1	
	C	4,510,924	04/16/1985	Gray	128	1.2	
	D	4,754,745	07/05/1988	Horowitz	128	1.2	
	E	4,763,462	08/16/1988	Horowitz	128	1.2	
	F	5,227,969	07/13/1993	Waggener et al.	364	413.26	
	G	5,322,499	06/21/1994	Liprie	600	8	
	H	5,424,288	06/13/1995	Order	514	2	
	I	5,538,726	07/23/1996	Order	424	178.1	
	J	5,562,594	10/08/1996	Weeks	600	3	
	K	5,561,698	10/01/1996	Mick et al.	378	162	
	L	5,631,337	05/20/1997	Sassi et al.	526	307.2	
	M	5,635,709	06/03/1997	Sliski et al.	250	252.1	
	N	5,702,717	12/30/1997	Cha et al.	424	425	
	O	5,762,903	06/08/1998	Park et al.	424	1.29	
	P	5,820,879	10/13/1998	Fernandez et al.	424	450	
	Q	5,942,209	08/24/1999	Leavitt et al.	424	1.25	
	R	6,015,541	01/18/2000	Greff et al.	424	1.25	
759	S	H669	09/05/1989	Fairchild et al.	600	3	

FOREIGN PATENT DOCUMENTS

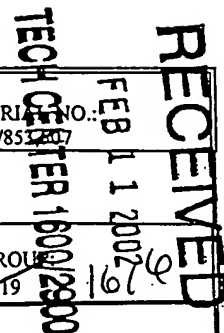
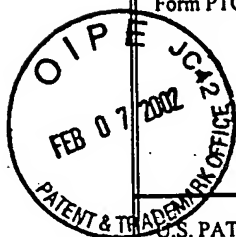
		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
29	T	WO 95/24430	09/14/1995	PCT	N/A	N/A	X	
	U	WO 97/09068	03/13/1997	PCT	47	48	X	
	V	WO 97/33628	09/18/1998	PCT	51	12	X	
	W	WO 98/55147	12/10/1996	PCT	47	00	X	
72	X	0730871 A1	09/11/1996	EP	51	06	X	

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, Etc.)

Y	"Conjugates of Stimuli-Responsive Polymers and Biomolecules: Random and Site-Specific Conjugates of Temperature-Sensitive Polymers and Proteins", by AS Hoffman et al., pg. 553-563. 1997.
---	--

D Jones

7/24/02





RECEIVED

Page 2 of 2
FEB 11 2002

TECH CENTER 1600/2800

<input checked="" type="checkbox"/>		AA	"Copper Chelates as Probes of Biological Systems: Stable Copper Complexes with a Macrocyclic Ligand and a Peptide Agent", by MK Moi et al., pg. 249-253. 1985.
<input checked="" type="checkbox"/>		BB	"Environmentally Sensitive Polymers and Hydrogels", by AS Hoffman, pg. 42-46. 1991.
<input checked="" type="checkbox"/>		CC	"Gelation of Globular Proteins: Effect of pH and Ionic Strength on the Critical Concentration for Gel Formation. A Simple model and its application to β -Lactoglobulin Heat-Induced Gelation.", pg. 287-291. 1992.
<input checked="" type="checkbox"/>		DD	"Hawley's Condensed Chemical Dictionary", by RJ Lewis, Sr., pg. 28, 124-125, 256, 785. 1993.
<input checked="" type="checkbox"/>		EE	"Hydrogels in Medicine and Pharmacy", Volume II Polymers, by NA Peppas, pg. 115-160. 1992.
<input checked="" type="checkbox"/>		FF	"Intelligent Gels", by Y Osada et al., pg. 82-87. 1993.
<input checked="" type="checkbox"/>		GG	"Intratumoral Radiomunotherapy of a Human Colon Cancer Xenograft Using a Sustained-Release Gel", by Ning et al., pg. 179-189. 1996.
<input checked="" type="checkbox"/>		HH	"Lower Critical Solution Temperatures of Aqueous Copolymers of N-Isopropylacrylamide and Other N-Substituted Acrylamides", by JH Priest et al., pg. 255-264. 1987.
<input checked="" type="checkbox"/>		II	"Phase Transitions in Cross-Linked Gels of Natural Polymers", by T Amiya et al., pg. 1162-1164. 1987.
<input checked="" type="checkbox"/>		JJ	"Polymer Communications", by Q Yan et al., pg. 887-889. 1995.
<input checked="" type="checkbox"/>		KK	"Synthesis, Characterization, and $1/T_1$ NMRD Profiles of Gadolinium (III) Complexes of Monoamide Derivatives of DOTA-Like Ligands." By. S Aime et al., pg. 2422-2428. 1991.
<input checked="" type="checkbox"/>		LL	"Synthesis and Characterization of the Gadolinium (3+) Complex of DOTA-Propylamide: A Model DOTA-Protein Conjugate." By. AD Sherry et al., pg. 620-622. 1989.
<input checked="" type="checkbox"/>		MM	"Temperature Dependence of Swelling of Crosslinked Poly(N, N'-Alkyl Substituted Acrylamides) in Water." by, YH Bae et al., pg. 923-936. 1990.
<input checked="" type="checkbox"/>			"Thermosensitive Polymers for Drug Delivery", by A Gutowska et al., pg. 115-116. 1996.
EXAMINER			DATE CONSIDERED
D Jones			7/24/02
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Notice of References Cited

Application/Control No.

09/853,507

Applicant(s)/Patent Under

Reexamination

WELLER ET AL.

Examiner

D. L. Jones

Art Unit

1616

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US4296,831 B1	10-2001	Weller et al	424/1.29
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



LMC:clb 09/09/04 23-65306-01 30363.doc

PATENT
Attorney Reference No. 23-65306-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard E. Weller et al.

Application No. 09/853,507

Filed: May 9, 2001

Confirmation No. 7165

For: STIMULUS SENSITIVE GEL WITH
RADIOISOTOPE AND METHODS OF
MAKING

Examiner: Dameron L. Jones


Art Unit: 1616

Attorney Reference No. 23-65306-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP ISSUE FEE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)


Lisa M. Caldwell

Date Mailed September 9, 2004

PETITION TO ACCORD CORRECT FILING DATE UNDER 37 C.F.R. § 1.10

MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Despite Applicants' previous successful petition to accord the above-referenced application the correct filing date, the U.S. Patent and Trademark Office (PTO) does not appear to have corrected the filing date in its records and continues to indicate the incorrect filing date in correspondence with Applicants. Applicants' filing date is May 9, 2001, *not* May 10, 2001, as indicated in the PTO's most recent correspondence. Applicants request that the PTO update its records to reflect Applicants' correct May 9, 2001, filing date.

Applicants filed on June 5, 2001, a petition to accord this application the correct May 9, 2001, filing date, a copy of which is attached as Exhibit A. As shown in Exhibit A, Applicants provided Applicants' Express Mail receipt showing May 9, 2001, as the date in and a copy of an Express Mail Corporate Account Mailing Statement showing the same. The PTO confirmed that its records reflected the correct May 9, 2001, filing date for this application in the Office action dated August 8,

2002, attached as Exhibit B. That Office action states, "It is duly noted that Applicant has requested that the filing date be corrected. PTO records indicated that the filing date for 09/853,507 is 5/9/01." (Emphasis added.)

However, it does not appear that the corrected date has been made of record. Accordingly, Applicants request that the filing date be corrected and that a new official Filing Receipt be issued.

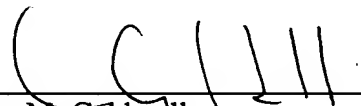
Please return the enclosed postcard to confirm that the items listed above have been received.

Please call the undersigned if any further information is required.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Lisa M. Caldwell
Registration No. 41,653

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Client
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Richard E. Weller, Michael A. Lind,)
Darrell R. Fisher, Anna Gutowska, and)
Allison A. Campbell)

S. N.: 09/853,507)

Filed: May 9, 2001)

For: STIMULUS SENSITIVE GEL WITH)
RADIOISOTOPE AND METHODS)
OF MAKING)

Art Unit: 1619

Examiner:

Our Ref. No: E-1507 CON

Date: 6/5/2001

REQUEST FOR CORRECTION OF FILING DATE TO
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Box Patent Application
Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Enclosed please find the following:

1. Express Mail Corporate Account Mailing Statement with the "Date"
box marked with the date 05/09/01 for Label # EJ200815363US;
2. Certificate of Mailing showing the date of deposit of 05/09/01 and
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Per 37 CFR 1.10(c), we respectfully request the PTO accord the
filing date of 05/09/01 to the correspondence listed in the Certificate of Mailing, which is



the date of deposit as shown by the "date" on the Express Mail Corporate Account mailing statement.

Because the erroneous date appears to be an error from within the U.S. PTO, the undersigned believes no fee is needed for relief.

Respectfully submitted,


Stephen R. May
Reg. No. 29,255

Stephen R. May (K1-53)
Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Laboratories
P.O. Box 999
Richland, WA 99352
(509) 375-2387

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Application of

Richard E. Weller, Michael A. Lind,
Darrell R. Fisher, Anna Gutowska, and
Allison A. Campbell

S. N.: 09/853,507

Filed: May 9, 2001

For: STIMULUS SENSITIVE GEL WITH
- RADIOISOTOPE AND METHODS
OF MAKING

Art Unit: 1619

Examiner:

Our Ref. No: E-1507 CON

Date: June 6, 2001

CERTIFICATE OF MAILING

Box Patent Application
Commissioner for Patents
Washington, DC 20231

Dear Sir:

the undersigned hereby certifies that the attached:

- ☒ Request for Correction of Filing Date
- ☒ Copy of Express Mail Corporate Account Mailing Statement showing the date of deposit 5/9/01
- ☒ Copy of Certificate of Mailing showing the date of deposit 5/09/01
- ☒ Copy of Express Mailing Label EJ200815363US showing the date of deposit 5/9/01
- ☒ Fee Sheet (2 ea.)
- ☒ Return Receipt Postcard

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Rebecca B. Rupp
Signature

June 6, 2001
Date

Rebecca B. Rupp K1-53
Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Laboratories
P.O. Box 999
Richland, WA 99352
(509) 375-2536



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PTO/SB/17 (09/00)
Approved for use through 10/31/2001. OMB 0631-0022
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL For FY 2001		Complete (If Known)	
Patent fees are subject to annual revision.		Application Number	09/853,507
		Filing Date	05/09/01
		First Named Inventor	Weiler et al.
		Examiner Name	not yet assigned
		Group/Art Unit	1619
		Attorney Docket No.	E-1507 CON
TOTAL AMOUNT OF PAYMENT (\$)		0	

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 02-1275 Deposit Account Name: Battelle Memorial Institute - PND <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status		3. ADDITIONAL FEES Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Fee Description Fee Paid	
2. Payment Enclosed: <input type="checkbox"/> check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		105 130 205 65 Surcharge- late filing fee or oath	
FEE CALCULATION		127 50 227 25 Surcharge- late provisional filing fee or cover sheet	
1. BASIC FILING FEE Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Fee Description Fee Paid		139 130 139 130 Non-English specification	
101 710 201 355 Utility filing fee		147 2,520 147 2,520 For filing a request for reexamination	
106 320 206 160 Designing filing fee		112 920* 112 920* Requesting publication of SIR prior to Examiner action	
107 490 207 245 Plant filing fee		113 1,840* 113 1,840* Requesting publication of SIR after Examiner action	
108 710 208 355 Reissue filing fee		115 110 215 55 Extension for reply within first month	
114 150 214 75 Provisional filing fee		116 390 216 195 Extension for reply within second month	
SUBTOTAL (1) (\$)		117 890 217 445 Extension for reply within third month	
2. EXTRA CLAIM FEES Total Claims <input type="text"/> - 20** = <input type="text"/> X <input type="text"/> = <input type="text"/> Independent Claims <input type="text"/> - 3** = <input type="text"/> X <input type="text"/> = <input type="text"/> Multiple Dependent <input type="text"/> = <input type="text"/> **or number previously paid, if greater. For Reissues, see below Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Fee Description Fee Paid		118 1,390 218 695 Extension for reply within fourth month	
		128 1,890 228 945 Extension for reply within fifth month	
		119 310 219 155 Notice of Appeal	
		120 310 220 155 Filing a brief in support of an appeal	
		121 270 221 135 Requesting for oral hearing	
		138 1,510 138 1,510 Petition to institute a public use proceeding	
		140 110 240 55 Petition to revive - unavoidable	
		141 1,240 241 620 Petition to revive - unintentional	
		142 1,240 242 620 Utility issue fee (or reissue)	
		143 440 243 220 Design issue fee	
		144 600 224 300 Plant issue fee	
		122 130 122 130 Petitions to the Commissioner	
		123 50 123 50 Petitions related to provisional applications	
		126 240 126 240 Submission of Information Disclosure Sheet	
		581 40 581 40 Recording each patent assignment per property (times number of properties)	
		146 710 246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
		149 710 249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
		179 710 279 355 Request for Continued Examination (RCE)	
		Other fee (specify) <input type="text"/>	
SUBTOTAL (2) (\$)		*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)	

SUBMITTED BY		Complete (If applicable)	
Name (Print/Type)	Stephen R. May	Registration No. (Attorney/Agent)	29,255
Signature	<i>Stephen R. May</i>	Telephone	(509) 375-2387
		Date	June 6, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER 1600/2900

In re Application of:)

RE Weller, MA Lind, DR Fisher)
A Gutowska, and AA Campbell)

For: STIMULUS SENSITIVE GEL)
WITH RADIOISOTOPE AND)
METHODS OF MAKING)

Our Ref. No: E-1507 Con

Date: May 9, 2001

CERTIFICATE OF MAILING

Box PATENT APPLICATION
Commissioner for Patents
Washington, DC 20231

Dear Sir:

The undersigned hereby certifies that the attached:

- ☒ [X] True and exact copy of Patent Application of 49 pages, and
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- ☒ [X] Fee Transmittal (2 ea.)
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Janice K. Laybourn
Signature

May 9, 2001
Date Deposited

Janice K. Laybourn K1-53
Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Laboratories
P.O. Box 999
Richland, WA 99352
(509) 375-2655



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,507	05/10/2001	Richard E. Weller	E-1507 CON	7165

7590

08/08/2002

Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Division
P.O. Box 999
Richland, WA 99352

DD: 11/8/02
Docket ☒ N am
Database ☒ N am
Debit Y ☒ am
Number N/A

23-65306

EXAMINER

JONES, DAMERON LEVEST

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 08/08/2002

7

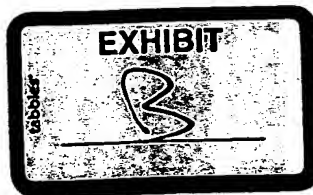
Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/853,507	WELLER ET AL.	
	Examiner	Art Unit	
	D. L. Jones	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002 and 31 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-16,18-21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 17,22 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1616

APPLICANT'S INVENTION

1. Applicant's invention is directed to stimulus sensitive gels comprising radioisotopes.

RESPONSE TO APPLICANT'S ELECTION

2. Applicant's election with traverse of Group VIII (claims 1, 2, and 5-27) in Paper No. 6, filed 5/31/02, is acknowledged. However, Applicant did not set forth reasons why the restriction is improper. Thus, the restriction is still deemed proper and is therefore made FINAL.

Note: It should be noted that claims 1, 2, and 5-27 will only be examined to the extent that they read on a radioisotope carrier comprising a gelling copolymer comprising methylacrylamide.

WITHDRAWN CLAIMS

3. Claims 3 and 4 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention/species.

DOUBLE PATENTING REJECTION

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

Art Unit: 1616

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 2, 5-16, 18-21, 23, and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-13, 15-25, 30, and 31 of U.S. Patent No. 6,296,831. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention encompass those of the patented invention. In particular, it is noted that the radioisotope carrier in the instant invention is not limited to a reversible gelling copolymer as the patented invention.

112 REJECTIONS

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1616

7. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20, lines 4, 7, 9, and 11: The claim as written is ambiguous because of the term 'derivatives'. In particular, it is unclear what compounds are encompassed in Applicant's definition since a skilled practitioner in the art would not know which portion of the parent compound remains in the derivatives. Thus, it is respectfully suggested that Applicant delete the term.

CLAIM OBJECTIONS

8. Claims 17, 22, and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

COMMENTS/NOTES

9. It is duly noted that Applicant has requested that the filing date be corrected. PTO records indicated that the filing date for 09/853,507 is 5/9/01. If the filing date is incorrect, Applicant is respectfully requested to submit the appropriate document in order that the correct date may be of record.

10. Applicant is respectfully requested to submit the year of reference 'DD' appearing on the information disclosure statement submitted 2/7/02, Paper No. 5.

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11. Claims 1, 2, and 5-27 are allowable over the prior art of record; however, Applicant MUST address and overcome the double patenting and 112 rejections. In particular, the claims are allowable over the prior art of record because the prior art neither anticipates nor renders obvious a radioisotope carrier as set forth in independent claim 1.

The closest art of record is Applicant's own work, US Patent No. 6,296,831, which is cited in the double patenting rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (703) 308-4640. The examiner can normally be reached on Mon.-Fri. (alternate Mon.), 6:45 a.m. - 4:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose' Dees can be reached on (703) 308- 4628. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and (703) 308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.


D. L. Jones
Primary Examiner
Art Unit 1616

July 25, 2002

Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEDOCKET NO.:
E-1507 CONSERIAL NO.:
09/853807LIST OF ART CITED BY APPLICANT
(Use several sheets if necessary)

APPLICANT: RE Weller et al.

FILING DATE:
05/09/2001GROUP
1619

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
21	A	3,866,050	02/11/1975	Whitfield	250	497	
	B	4,190,461	02/26/1980	Hedger	134	1	
	C	4,510,924	04/16/1985	Gray	128	1.2	
	D	4,754,745	07/05/1988	Horowitz	128	1.2	
	E	4,763,462	08/16/1988	Horowitz	128	1.2	
	F	5,227,969	07/13/1993	Waggener et al.	364	413.26	
	G	5,322,499	06/21/1994	Liprie	600	8	
	H	5,424,288	06/13/1995	Order	514	2	
	I	5,538,726	07/23/1996	Order	424	178.1	
	J	5,562,594	10/08/1996	Weeks	600	3	
	K	5,561,698	10/01/1996	Mick et al.	378	162	
	L	5,631,337	05/20/1997	Sassi et al.	526	307.2	
	M	5,635,709	06/03/1997	Sliski et al.	250	252.1	
	N	5,702,717	12/30/1997	Cha et al.	424	425	
	O	5,762,903	06/08/1998	Park et al.	424	1.29	
	P	5,820,879	10/13/1998	Fernandez et al.	424	450	
	Q	5,942,209	08/24/1999	Leavitt et al.	424	1.25	
	R	6,015,541	01/18/2000	Greff et al.	424	1.25	
769	S	H669	09/05/1989	Fairchild et al.	600	3	

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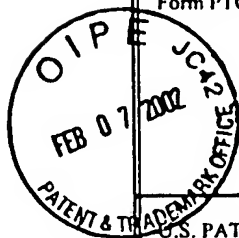
		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
29	T	WO 95/24430	09/14/1995	PCT	N/A	N/A	X	
	U	WO 97/09068	03/13/1997	PCT	47	48	X	
	V	WO 97/33628	09/18/1998	PCT	51	12	X	
	W	WO 98/55147	12/10/1996	PCT	47	00	X	
769	X	0730871 A1	09/11/1996	EP	51	06	X	

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, Etc.)

Y	"Conjugates of Stimuli-Responsive Polymers and Biomolecules: Random and Site-Specific Conjugates of Temperature-Sensitive Polymers and Proteins", by AS Hoffman et al., pg. 553-563. 1997.
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D Jones

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AA	"Copper Chelates as Probes of Biological Systems: Stable Copper Complexes with a New Acyclic Tetraaza and a New Macrocyclic Tetraaza Ligand", by MK Moi et al., pg. 249-253. 1985.
BB	"Environmentally Sensitive Polymers and Hydrogels", by AS Hoffman, pg. 42-46. 1991.
CC	"Gelation of Globular Proteins: Effect of pH and Ionic Strength on the Critical Concentration for Gel Formation. A Simple model and its application to β -Lactoglobulin Heat-Induced Gelation.", pg. 287-291. 1992.
DD	"Hawley's Condensed Chemical Dictionary", by RJ Lewis, Sr., pg. 28, 124-125, 256, 785. 1993.
EE	"Hydrogels in Medicine and Pharmacy", Volume II Polymers, by NA Peppas, pg. 115-160.
FF	"Intelligent Gels", by Y Osada et al., pg. 82-87. 1993.
GG	"Intratumoral Radiomunotherapy of a Human Colon Cancer Xenograft Using a Sustained-Release Gel", by Ning et al., pg. 179-189. 1996.
HH	"Lower Critical Solution Temperatures of Aqueous Copolymers of N-Isopropylacrylamide and Other N-Substituted Acrylamides", by JH Priest et al., pg. 255-264. 1987.
II	"Phase Transitions in Cross-Linked Gels of Natural Polymers", by T Amiya et al., pg. 1162-1164. 1987.
JJ	"Polymer Communications", by Q Yan et al., pg. 887-889. 1995.
KK	"Synthesis, Characterization, and $1T_1$ NMRD Profiles of Gadolinium (III) Complexes of Monoamide Derivatives of DOTA-Like Ligands." By. S Aime et al., pg. 2422-2428. 1991.
LL	"Synthesis and Characterization of the Gadolinium (3+) Complex of DOTA-Propylamide: A Model DOTA-Protein Conjugate." By. AD Sherry et al., pg. 620-622. 1989.
MM	"Temperature Dependence of Swelling of Crosslinked Poly(N, N'-Alkyl Substituted Acrylamides) in Water." by, YH Bac et al., pg. 923-936. 1990.
MM	"Thermosensitive Polymers for Drug Delivery", by A Gutowska et al., pg. 115-116. 1996.
EXAMINER <i>D Jones</i>	
DATE CONSIDERED <i>7/24/01</i>	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Notice of References Cited

Application/Control No.

09/853,507

Applicant(s)/Patent Under
Reexamination
WELLER ET AL.

Examiner

D. L. Jones

Art Unit

1616

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US4296,831 B1	10-2001	Weller et al	424/1.29
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.